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IN THE SENATE OF THE UNITED STATES

JULY 28, 2015

Received; read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 15, 2015

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## AN ACT

To establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Preclearance Author-  
5       ization Act of 2015”.

1   **SEC. 2. DEFINITION.**

2       In this Act, the term “appropriate congressional com-  
3 mittees” means the Committee on Homeland Security and  
4 the Committee on Ways and Means of the House of Rep-  
5 resentatives and the Committee on Homeland Security  
6 and Governmental Affairs and the Committee on Finance  
7 of the Senate.

8   **SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.**

9       Pursuant to section 1629 of title 19, United States  
10 Code, and subject to section 5, the Secretary of Homeland  
11 Security may establish U.S. Customs and Border Protec-  
12 tion preclearance operations in a foreign country to—

13           (1) prevent terrorists, instruments of terrorism,  
14 and other security threats from entering the United  
15 States;

16           (2) prevent inadmissible persons from entering  
17 the United States;

18           (3) ensure merchandise destined for the United  
19 States complies with applicable laws;

20           (4) ensure the prompt processing of persons eli-  
21 gible to travel to the United States; and

22           (5) accomplish such other objectives as the See-  
23 retary determines necessary to protect the United  
24 States.

1     **SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.**

2         (a) **NOTIFICATION.**—Not later than 180 days before  
3     entering into an agreement with the government of a for-  
4     eign country to establish U.S. Customs and Border Pro-  
5     tection preeclearance operations in such foreign country,  
6     the Secretary of Homeland Security shall provide to the  
7     appropriate congressional committees the following:

8             (1) A copy of the proposed agreement to estab-  
9     lish such preeclearance operations, including an iden-  
10   tification of the foreign country with which U.S.  
11   Customs and Border Protection intends to enter into  
12   a preeclearance agreement, the location at which such  
13   preeclearance operations will be conducted, and the  
14   terms and conditions for U.S. Customs and Border  
15   Protection personnel operating at the location.

16             (2) An estimate of the date on which U.S. Cus-  
17   tomts and Border Protection intends to establish  
18   preeclearance operations under such agreement.

19             (3) The anticipated funding sources for  
20   preeclearance operations under such agreement, and  
21   other funding sources considered.

22             (4) An assessment of the impact such  
23   preeclearance operations will have on legitimate trade  
24   and travel, including potential impacts on passengers  
25   traveling to the United States.

1                   (5) A homeland security threat assessment for  
2 the country in which such preeclearance operations  
3 are to be established.

4                   (6) An assessment of the impacts such  
5 preeclearance operations will have on U.S. Customs  
6 and Border Protection domestic port of entry staff-  
7 ing.

8                   (7) Information on potential economic, competi-  
9 tive, and job impacts on United States air carriers  
10 associated with establishing such preeclearance oper-  
11 ations.

12                  (8) Information on the anticipated homeland se-  
13 curity benefits associated with establishing such  
14 preeclearance operations.

15                  (9) Information on potential security  
16 vulnerabilities associated with commencing such  
17 preeclearance operations, and mitigation plans to ad-  
18 dress such potential security vulnerabilities.

19                  (10) A U.S. Customs and Border Protection  
20 staffing model for such preeclearance operations, and  
21 plans for how such positions would be filled.

22                  (11) Information on the anticipated costs over  
23 the next 5 fiscal years associated with commencing  
24 such preeclearance operations.

1                   (12) A copy of the agreement referred to in  
2 subsection (a) of section 5.

3                   (13) Other factors that the Secretary of Homeland  
4 Security determines to be necessary for Congress to comprehensively assess the appropriateness  
5 of commencing such preeclearance operations.

7                   (b) CERTIFICATIONS RELATING TO PRECLEARANCE  
8 OPERATIONS ESTABLISHED AT AIRPORTS.—In the case of  
9 an airport, in addition to the notification requirements  
10 under subsection (a), not later than 90 days before enter-  
11 ing into an agreement with the government of a foreign  
12 country to establish U.S. Customs and Border Protection  
13 preeclearance operations at an airport in such foreign coun-  
14 try, the Secretary of Homeland Security shall provide to  
15 the appropriate congressional committees the following:

16                   (1) A certification that preeclearance operations  
17 under such preeclearance agreement would provide  
18 homeland security benefits to the United States.

19                   (2) A certification that preeclearance operations  
20 within such foreign country will be established under  
21 such agreement only if—

22                   (A) at least one United States passenger  
23 carrier operates at such airport; and

24                   (B) the access of all United States pas-  
25 senger carriers to such preeclearance operations

1           is the same as the access of any non-United  
2           States passenger carrier.

3           (3) A certification that the Secretary of Home-  
4           land Security has considered alternative options to  
5           preclearance operations and has determined that  
6           such options are not the most effective means of  
7           achieving the objectives specified in section 3.

8           (4) A certification that the establishment of  
9           preclearance operations in such foreign country will  
10          not significantly increase customs processing times  
11          at United States airports.

12          (5) An explanation of other objectives that will  
13          be served by the establishment of preclearance oper-  
14          ations in such foreign country.

15          (6) A certification that representatives from  
16          U.S. Customs and Border Protection consulted pub-  
17          lically with interested parties, including providers of  
18          commercial air service in the United States, employ-  
19          ees of such providers, security experts, and such  
20          other parties as the Secretary determines to be ap-  
21          propriate, before entering into such an agreement  
22          with such foreign government.

23          (7) A report detailing the basis for the certifi-  
24          cations referred to in paragraphs (1) through (6).

1       (e) MODIFICATION OF EXISTING AGREEMENTS.—

2 Not later than 30 days before substantially modifying a  
3 preclearance agreement with the government of a foreign  
4 country in effect as of the date of the enactment of this  
5 Act, the Secretary of Homeland Security shall provide to  
6 the appropriate congressional committees a copy of the  
7 proposed agreement, as modified, and the justification for  
8 such modification.

9       (d) REMEDIATION PLAN.—

10           (1) IN GENERAL.—The Commissioner of U.S.  
11 Customs and Border Protection shall monthly meas-  
12 ure the average customs processing time to enter the  
13 25 United States airports that support the highest  
14 volume of international travel (as determined by  
15 available Federal passenger data) and provide to the  
16 appropriate congressional committees such measure-  
17 ments.

18           (2) ASSESSMENT.—Based on the measurements  
19 described in paragraph (1), the Commissioner of  
20 U.S. Customs and Border Protection shall quarterly  
21 assess whether the average customs processing time  
22 referred to in such paragraph significantly exceeds  
23 the average customs processing time to enter the  
24 United States through a preclearance operation.

1                             (3) SUBMISSION.—Based on the assessment  
2 conducted under paragraph (2), if the Commissioner  
3 of U.S. Customs and Border Protection determines  
4 that the average customs processing time referred to  
5 in paragraph (1) significantly exceeds the average  
6 customs processing time to enter the United States  
7 through a preclearance operation described in para-  
8 graph (2), the Commissioner shall, not later than 60  
9 days after making such determination, provide to  
10 the appropriate congressional committees a remedi-  
11 ation plan for reducing such average customs pro-  
12 cessing time referred to in paragraph (1).

13                             (4) IMPLEMENTATION.—Not later than 30 days  
14 after submitting the remediation plan referred to in  
15 paragraph (3), the Commissioner of United States  
16 Customs and Border Protection shall implement  
17 those portions of such plan that can be carried out  
18 using existing resources, excluding the transfer of  
19 personnel.

20                             (5) SUSPENSION.—If the Commissioner of U.S.  
21 Customs and Border Protection does not submit the  
22 remediation plan referred to in paragraph (3) within  
23 60 days in accordance with such paragraph, the  
24 Commissioner may not, until such time as such re-  
25 mediation plan is submitted, conduct any negotia-

1       tions relating to preclearance operations at an air-  
2       port in any country or commence any such  
3       preclearance operations.

4             (6) STAKEHOLDER RECOMMENDATIONS.—The  
5       remediation plan described in paragraph (3) shall  
6       consider recommendations solicited from relevant  
7       stakeholders.

8             (e) CLASSIFIED REPORT.—The assessment required  
9       pursuant to subsection (a)(5) and the report required pur-  
10      suant to subsection (b)(7) may be submitted in classified  
11      form if the Secretary of Homeland Security determines  
12      that such is appropriate.

13     **SEC. 5. AVIATION SECURITY SCREENING AT**  
14             **PRECLEARANCE AIRPORTS.**

15             (a) AVIATION SECURITY STANDARDS AGREEMENT.—  
16       Prior to the commencement of preclearance operations at  
17       an airport in a foreign country under this Act, the Admin-  
18       istrator of the Transportation Security Administration  
19       shall enter into an agreement with the government of such  
20       foreign country that delineates and requires the adoption  
21       of aviation security screening standards that are deter-  
22       mined by the Administrator to be comparable to those of  
23       the United States.

24             (b) AVIATION SECURITY RESCREENING.—If the Ad-  
25       ministrator of the Transportation Security Administration

1 determines that the government of a foreign country has  
2 not maintained security standards and protocols com-  
3 parable to those of the United States at airports at which  
4 preclearance operations have been established in accord-  
5 ance with an agreement entered into pursuant to sub-  
6 section (a), the Administrator shall require the rescreening  
7 in the United States by the Transportation Security Ad-  
8 ministration of passengers and their property before such  
9 passengers may deplane into sterile areas of airports in  
10 the United States.

11 (c) SELECTEES.—Any passenger who is determined  
12 to be a selectee based on a check against a terrorist watch  
13 list and arrives on a flight originating from a foreign air-  
14 port at which preclearance operations have been estab-  
15 lished in accordance with an agreement entered into pur-  
16 suant to subsection (a), shall be required to undergo secu-  
17 rity rescreening by the Transportation Security Adminis-  
18 tration before being permitted to board a domestic flight  
19 in the United States.

20 **SEC. 6. LOST AND STOLEN PASSPORTS.**

21 The Secretary of Homeland Security may not enter  
22 into or renew an agreement with the government of a for-  
23 eign country to establish or maintain U.S. Customs and  
24 Border Protection preclearance operations at an airport  
25 in such foreign country unless such government certifies—

1                   (1) that it routinely submits information about  
2                   lost and stolen passports of its citizens and nationals  
3                   to INTERPOL's Stolen and Lost Travel Document  
4                   database; or  
5                   (2) makes available to the United States Gov-  
6                   ernment such information through another com-  
7                   parable means of reporting.

8                   **SEC. 7. EFFECTIVE DATE.**

9                   Except for subsection (e) of section 4, this Act shall  
10                  apply only to the establishment of preclearance operations  
11                  in a foreign country in which no preclearance operations  
12                  have been established as of the date of the enactment of  
13                  this Act.

14                  **SECTION 1. SHORT TITLE.**

15                  *This Act may be cited as the “Preclearance Authoriza-*  
16                  *tion Act of 2015”.*

17                  **SEC. 2. DEFINITION.**

18                  *In this Act:*

19                   (1) APPROPRIATE CONGRESSIONAL COMMIT-  
20                   TEES.—The term “appropriate congressional commit-  
21                   tees” means—

22                   (A) the Committee on Homeland Security  
23                   and Governmental Affairs of the Senate;  
24                   (B) the Committee on Finance of the Sen-  
25                   ate;

1                   (C) the Committee on Commerce, Science,  
2                   and Transportation of the Senate;  
3                   (D) the Committee on Appropriations of the  
4                   Senate;  
5                   (E) the Committee on Homeland Security  
6                   of the House of Representatives;  
7                   (F) the Committee on Ways and Means of  
8                   the House of Representatives; and  
9                   (G) the Committee on Appropriations of the  
10                  House of Representatives.

11                 (2) *CBP*.—The term “*CBP*” means U.S. Cus-  
12                 toms and Border Protection.

13                 (3) *SECRETARY*.—The term “*Secretary*” means  
14                 the Secretary of Homeland Security.

15 **SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.**

16                 Pursuant to section 629 of the Tariff Act of 1930 (19  
17 U.S.C. 1629) and section 103(a)(7) of the Immigration and  
18 Nationality Act (8 U.S.C. 1103(a)(7)), and provided that  
19 an aviation security preclearance agreement (as defined in  
20 section 44901(d)(4)(B) of title 49, United States Code) is  
21 in effect, the Secretary may establish and maintain U.S.  
22 Customs and Border Protection preclearance operations in  
23 a foreign country—

1           (1) to prevent terrorists, instruments of ter-  
2 rrorism, and other security threats from entering the  
3 United States;  
4           (2) to prevent inadmissible persons from enter-  
5 ing the United States;  
6           (3) to ensure that merchandise destined for the  
7 United States complies with applicable laws;  
8           (4) to ensure the prompt processing of persons el-  
9 igible to travel to the United States; and  
10          (5) to accomplish such other objectives as the  
11 Secretary determines are necessary to protect the  
12 United States.

13 **SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.**

14          (a) *INITIAL NOTIFICATION.*—Not later than 60 days  
15 before an agreement is entered into force with the govern-  
16 ment of a foreign country to establish U.S. Customs and  
17 Border Protection preclearance operations in such foreign  
18 country, the Secretary shall provide the appropriate con-  
19 gressional committees with—  
20           (1) a copy of the agreement to establish such  
21 preclearance operations, which shall include—  
22              (A) the identification of the foreign country  
23 with which U.S. Customs and Border Protection  
24 intends to enter into a preclearance agreement;

1                   (B) the location at which such preclearance  
2                   operations will be conducted; and

3                   (C) the terms and conditions for U.S. Customs  
4                   and Border Protection personnel operating  
5                   at the location;

6                   (2) an assessment of the impact such  
7                   preclearance operations will have on legitimate trade  
8                   and travel, including potential impacts on passengers  
9                   traveling to the United States;

10                  (3) an assessment of the impacts such  
11                  preclearance operations will have on U.S. Customs  
12                  and Border Protection domestic port of entry staffing;

13                  (4) country-specific information on the anticipated  
14                  homeland security benefits associated with establishing such  
15                  preclearance operations;

16                  (5) information on potential security  
17                  vulnerabilities associated with commencing such  
18                  preclearance operations and mitigation plans to address such potential security vulnerabilities;

19                  (6) a U.S. Customs and Border Protection staffing  
20                  model for such preclearance operations and plans  
21                  for how such positions would be filled; and

22                  (7) information on the anticipated costs over the  
23                  next 5 fiscal years associated with commencing such  
24                  preclearance operations.

1       (b)     *FURTHER     NOTIFICATION     RELATING     TO*  
2     *PRECLEARANCE     OPERATIONS     ESTABLISHED     AT     AIR-*  
3     *PORTS.*—*Not later than 45 days before an agreement is en-*  
4     *tered into force with the government of a foreign country*  
5     *to establish U.S. Customs and Border Protection*  
6     *preclearance operations at an airport in such country, the*  
7     *Secretary, in addition to complying with the notification*  
8     *requirements under subsection (a), shall provide the appro-*  
9     *priate congressional committees with—*

- 10              (1) *an estimate of the date on which U.S. Cus-*  
11              *toms and Border Protection intends to establish*  
12              *preclearance operations under such agreement, in-*  
13              *cluding any pending caveats that must be resolved be-*  
14              *fore preclearance operations are approved;*
- 15              (2) *the anticipated funding sources for*  
16              *preclearance operations under such agreement, and*  
17              *other funding sources considered;*
- 18              (3) *a homeland security threat assessment for the*  
19              *country in which such preclearance operations are to*  
20              *be established;*
- 21              (4) *information on potential economic, competi-*  
22              *tive, and job impacts on United States air carriers*  
23              *associated with establishing such preclearance oper-*  
24              *ations;*

1                   (5) details on information sharing mechanisms  
2       to ensure that U.S. Customs and Border Protection  
3       has current information to prevent terrorist and  
4       criminal travel; and

5                   (6) other factors that the Secretary determines to  
6       be necessary for Congress to comprehensively assess  
7       the appropriateness of commencing such preclearance  
8       operations.

9                   (c) *CERTIFICATIONS RELATING TO PRECLEARANCE*  
10   *OPERATIONS ESTABLISHED AT AIRPORTS.*—Not later than  
11   60 days before an agreement is entered into force with the  
12   government of a foreign country to establish U.S. Customs  
13   and Border Protection preclearance operations at an air-  
14   port in such country, the Secretary, in addition to com-  
15   plying with the notification requirements under subsections  
16   (a) and (b), shall provide the appropriate congressional  
17   committees with—

18                   (1) a certification that preclearance operations  
19       under such preclearance agreement, after considering  
20       alternative options, would provide homeland security  
21       benefits to the United States through the most effective  
22       means possible;

23                   (2) a certification that preclearance operations  
24       within such foreign country will be established under  
25       such agreement only if—

1                   (A) at least 1 United States passenger car-  
2                   rier operates at such airport; and

3                   (B) any United States passenger carriers  
4                   operating at such airport and desiring to par-  
5                   ticipate in preclearance operations are provided  
6                   access that is comparable to that of any non-  
7                   United States passenger carrier operating at  
8                   that airport;

9                   (3) a certification that the establishment of  
10                  preclearance operations in such foreign country will  
11                  not significantly increase customs processing times at  
12                  United States airports;

13                  (4) a certification that representatives from U.S.  
14                  Customs and Border Protection consulted with stake-  
15                  holders, including providers of commercial air service  
16                  in the United States, employees of such providers, se-  
17                  curity experts, and such other parties as the Secretary  
18                  determines to be appropriate; and

19                  (5) a report detailing the basis for the certifi-  
20                  cations referred to in paragraphs (1) through (4).

21                  (d) AMENDMENT OF EXISTING AGREEMENTS.—Not  
22                  later than 30 days before a substantially amended  
23                  preclearance agreement is entered into force with the gov-  
24                  ernment of a foreign country in effect as of the date of the

1 *enactment of this Act, the Secretary shall provide to the*  
2 *appropriate congressional committees—*

- 3           (1) *a copy of the agreement, as amended; and*  
4           (2) *the justification for such amendment.*

5       (e) *IMPLEMENTATION PLAN.—*

6           (1) *IN GENERAL.—The Commissioner of U.S.*  
7           *Customs and Border Protection shall report to the ap-*  
8           *propriate congressional committees, on a quarterly*  
9           *basis—*

10           (A) *the number of Customs and Border Pro-*  
11           *tection Officers, by port, assigned from domestic*  
12           *ports of entry to preclearance operations; and*

13           (B) *the number of the positions described in*  
14           *subparagraph (A) that have been filled by an-*  
15           *other hired, trained, and equipped Customs and*  
16           *Border Protection Officer.*

17           (2) *SUBMISSION.—If the Commissioner has not*  
18           *filled the positions of Customs and Border Protection*  
19           *Officers that were reassigned to preclearance oper-*  
20           *ations and determines that Customs and Border Pro-*  
21           *tection processing times at domestic ports of entry*  
22           *from which Customs and Border Protection Officers*  
23           *were reassigned to preclearance operations has sig-*  
24           *nificantly increased, the Commissioner, not later than*  
25           *60 days after making such a determination, shall sub-*

1       *mit, to the appropriate congressional committees, an*  
2       *implementation plan for reducing Customs and Bor-*  
3       *der Protection processing times at the domestic ports*  
4       *of entry with such increased Customs and Border*  
5       *Protection processing times.*

6             *(3) SUSPENSION.—If the Commissioner does not*  
7       *submit the implementation plan described in para-*  
8       *graph (2) to the appropriate congressional committees*  
9       *before the deadline set forth in such paragraph, the*  
10      *Commissioner may not commence preclearance oper-*  
11      *ations at an additional port of entry in any country*  
12      *until such implementation plan is submitted.*

13             *(f) CLASSIFIED REPORT.—The report required under*  
14      *subsection (c)(5) may be submitted in classified form if the*  
15      *Secretary determines that such form is appropriate.*

16      **SEC. 5. PROTOCOLS.**

17       *Section 44901(d)(4) of title 49, United States Code,*  
18      *is amended by adding at the end the following:*

19             *“(D) RESCREENING REQUIREMENT.—If the*  
20      *Administrator of the Transportation Security*  
21      *Administration determines that the government*  
22      *of a foreign country has not maintained security*  
23      *standards and protocols comparable to those of*  
24      *the United States at airports at which*  
25      *preclearance operations have been established in*

1           *accordance with this paragraph, the Administrator*  
2           *shall ensure that Transportation Security*  
3           *Administration personnel rescreen passengers ar-*  
4           *riving from such airports and their property in*  
5           *the United States before such passengers are per-*  
6           *mitted into sterile areas of airports in the*  
7           *United States.”.*

8 **SEC. 6. LOST AND STOLEN PASSPORTS.**

9           *The Secretary may not enter into an agreement with*  
10 *the government of a foreign country to establish or main-*  
11 *tain U.S. Customs and Border Protection preclearance op-*  
12 *erations at an airport in such country unless the Secretary*  
13 *certifies to the appropriate congressional committees that*  
14 *such government—*

15           *(1) routinely submits information about lost and*  
16 *stolen passports of its citizens and nationals to*  
17 *INTERPOL’s Stolen and Lost Travel Document*  
18 *database; or*

19           *(2) makes such information available to the*  
20 *United States Government through another com-*  
21 *parable means of reporting.*

1   **SEC. 7. RECOVERY OF INITIAL U.S. CUSTOMS AND BORDER**2                   **PROTECTION PRECLEARANCE OPERATIONS**3                   **COSTS.**

4       (a) *COST SHARING AGREEMENTS WITH RELEVANT  
5 AIRPORT AUTHORITIES.—The Commissioner of U.S. Cus-  
6 toms and Border Protection may enter into a cost sharing  
7 agreement with airport authorities in foreign countries at  
8 which preclearance operations are to be established or  
9 maintained if—*

10                  *(1) an executive agreement to establish or main-  
11 tain such preclearance operations pursuant to the au-  
12 thorities under section 629 of the Tariff Act of 1930  
13 (19 U.S.C. 1629) and section 103(a)(7) of the Immi-  
14 gration and Nationality Act (8 U.S.C. 1103(a)(7))  
15 has been signed, but has not yet entered into force;  
16 and*

17                  *(2) U.S. Customs and Border Protection has in-  
18 curred, or expects to incur, initial preclearance oper-  
19 ations costs in order to establish or maintain  
20 preclearance operations under the agreement described  
21 in paragraph (1).*

22       (b) *CONTENTS OF COST SHARING AGREEMENTS.—*

23                  *(1) IN GENERAL.—Notwithstanding section  
24 13031(e) of the Consolidated Omnibus Budget Rec-  
25 onciliation Act of 1985 (19 U.S.C. 58c(e)) and section  
26 286(g) of the Immigration and Nationality Act (8*

1       *U.S.C. 1356(g)), any cost sharing agreement authorized*  
2       *under subsection (a) may provide for the airport*  
3       *authority's payment to U.S. Customs and Border*  
4       *Protection of its initial preclearance operations costs.*

5           (2) *TIMING OF PAYMENTS.—The airport*  
6       *authority's payment to U.S. Customs and Border*  
7       *Protection for its initial preclearance operations costs*  
8       *may be made in advance of the incurrence of the costs*  
9       *or on a reimbursable basis.*

10      (c) *ACCOUNT.—*

11       (1) *IN GENERAL.—All amounts collected pursuant*  
12       *to any cost sharing agreement authorized under*  
13       *subsection (a)—*

14           (A) *shall be credited as offsetting collections*  
15       *to the currently applicable appropriation, account,*  
16       *or fund of U.S. Customs and Border Protection;*

17           (B) *shall remain available, until expended,*  
18       *for the purposes for which such appropriation,*  
19       *account, or fund is authorized to be used; and*

20           (C) *may be collected and shall be available*  
21       *only to the extent provided in appropriations*  
22       *Acts.*

23           (2) *RETURN OF UNUSED FUNDS.—Any advances*  
24       *or reimbursements not used by U.S. Customs and*

1       *Border Protection may be returned to the relevant*  
2       *airport authority.*

3           (3) *RULE OF CONSTRUCTION.—Nothing in this*  
4       *subsection may be construed to preclude the use of ap-*  
5       *propriated funds, from sources other than the pay-*  
6       *ments collected under this Act, to pay initial*  
7       *preclearance operation costs.*

8           (d) *DEFINED TERM.—*

9           (1) *IN GENERAL.—In this section, the term “ini-*  
10       *tial preclearance operations costs” means the costs in-*  
11       *curred, or expected to be incurred, by U.S. Customs*  
12       *and Border Protection to establish or maintain*  
13       *preclearance operations at an airport in a foreign*  
14       *country, including costs relating to—*

15           (A) *hiring, training, and equipping new*  
16       *CBP officers who will be stationed at United*  
17       *States domestic ports of entry or other CBP fa-*  
18       *cilities to backfill CBP officers to be stationed at*  
19       *an airport in a foreign country to conduct*  
20       *preclearance operations; and*

21           (B) *visits to the airport authority conducted*  
22       *by CBP personnel necessary to prepare for the*  
23       *establishment or maintenance of preclearance op-*  
24       *erations at such airport, including the com-*  
25       *pensation, travel expenses, and allowances pay-*

1           able to such CBP personnel attributable to such  
2           visits.

9           (e) RULE OF CONSTRUCTION.—Except as otherwise  
10 provided in this section, nothing in this section may be con-  
11 strued as affecting the responsibilities, duties, or authorities  
12 of U.S. Customs and Border Protection.

13 SEC. 8. COLLECTION AND DISPOSITION OF FUNDS COL-  
14 LECTED FOR IMMIGRATION INSPECTION  
15 SERVICES AND PRECLEARANCE ACTIVITIES.

16       (a) *IMMIGRATION AND NATIONALITY ACT.*—Section  
17 *286(i) of the Immigration and Nationality Act (8 U.S.C.  
18 1356(i)) is amended by striking the last sentence and insert-  
19 ing the following: “Reimbursements under this subsection  
20 may be collected in advance of the provision of such immi-  
21 gration inspection services. Notwithstanding subparagraph  
22 (h)(1)(B), and only to the extent provided in appropria-  
23 tions Acts, any amounts collected under this subsection shall  
24 be credited as offsetting collections to the currently applica-  
25 ble appropriation, account, or fund of U.S. Customs and*

1   *Border Protection, remain available until expended, and be*  
2   *available for the purposes for which such appropriation, ac-*  
3   *count, or fund is authorized to be used.”.*

4           **(b) FARM SECURITY AND RURAL INVESTMENT ACT OF**  
5   *2002.—Section 10412(b) of the Farm Security and Rural*  
6   *Investment Act of 2002 (7 U.S.C. 8311(b)) is amended to*  
7   *read as follows:*

8           **“(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds**  
9   *collected for preclearance activities—*

10           “*(1) may be collected in advance of the provision*  
11   *of such activities;*

12           “*(2) shall be credited as offsetting collections to*  
13   *the currently applicable appropriation, account, or*  
14   *fund of U.S. Customs and Border Protection;*

15           “*(3) shall remain available until expended;*

16           “*(4) shall be available for the purposes for which*  
17   *such appropriation, account, or fund is authorized to*  
18   *be used; and*

19           “*(5) may be collected and shall be available only*  
20   *to the extent provided in appropriations Acts.”.*

21   **SEC. 9. APPLICATION TO NEW AND EXISTING**  
22           **PRECLEARANCE OPERATIONS.**

23           *Except for sections 4(d), 5, 7, and 8, this Act shall*  
24   *only apply to the establishment of preclearance operations*  
25   *in a foreign country in which no preclearance operations*

1 have been established as of the date of the enactment of this  
2 Act.



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114TH CONGRESS  
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**[Report No. 114-180]**

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**AN ACT**

To establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes.

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DECEMBER 15, 2015

Reported with an amendment